

**SAN BERNARDINO COUNTY
AGRICULTURAL COMMISSIONER
2009/2010/2011 ENFORCEMENT WORK PLAN**

PESTICIDE USE ENFORCEMENT STAFF

Deputy – Jim Mitchell, 60-70% PUE; manages several other programs.

Supervisor – George Dearmin, primarily PUE responsibilities; about 10% of his time is spent in other programs. George is tentatively planning to retire in March 2009.

Four PUE specialists, other duties on a limited basis – provide coverage and backup in other programs as needed. One of these full-time PUE specialists is fluent in Spanish and is stationed in the Ontario office. The other three specialists work out of the San Bernardino office.

The Deputy and Supervisor work out of the main office in San Bernardino. One of the main office specialists is also bilingual (Spanish), giving the department one bilingual officer in Ontario and one in San Bernardino. One officer has driving and standing restrictions for about 3 months, due to medical reasons. This restriction began in October 2008.

Two licensed district officers (Barstow and Victorville); both have many other program responsibilities; PUE responsibilities accounting for about 10% of each of their time.

One office assistant, program responsibility is primarily PUE.

Another office assistant, whose duties are divided among several different programs in addition to PUE.

The specialists stationed in the County's Valley area have headquarters records inspections, application monitoring, and investigative responsibilities based on geographical divisions. The three specialists stationed in the San Bernardino office also share pesticide use report input duties, informational queries, registrations and permitting. They also share and rotate responsibilities for giving the monthly outreach class and administering the Structural Pest Control Registered Applicator's Examination. Because the specialists have different work schedules (days off vary), there is opportunity for them to work occasionally in other PUE districts for coverage purposes.

The Deputy and Supervisor perform primarily management, administrative and supervisory duties, but occasionally perform some inspection and investigative work. Training is provided by the Deputy, the Supervisor, and the more experienced specialists, both in the field and in the office.

For FY 07/08, total licensed man-hours expended were 10,511; support hours expended were 2343. For calendar years 2009, 2010, and 2011, estimated hours will be 9,500 licensed and 2,300 support for each year.

In FY 07/08, San Bernardino County registered 290 agricultural pest control businesses (PCBs), 82 pest control advisers (PCAs), 5 farm labor contractors (FLCs) and 575 structural pest control companies (SPCOs). Registration is on a calendar basis. New legislation (and new registration

fees) that went into effect on January 1, 2008 requires structural Branch 1 (fumigation) companies and their licensed operators and field representatives to register in each county where pest control is performed. A company licensed in both Branch 1 and Branch 2 and/or 3 is also required to register the branches separately. For San Bernardino County, the new structural registration fee of \$25 requires approval by the Board of Supervisors, but since the approval process will not occur until mid-year 2009, the new fees will not be charged until after the start of 2010. The department is also considering increasing the PCB registration fee from \$65 to \$75. Affected companies will be notified through our annual newsletter. Registration fees for Pest Control Adviser, Farm Labor Contractor, and Maintenance Gardener will remain the same.

RESTRICTED MATERIALS PERMITS (RMPs) **& OPERATOR IDENTIFICATION NUMBERS (OP IDS)**

PERMIT EVALUATION PROCESS

In FY 07/08, there were 354 RMPs issued, comprised of 318 agricultural and 36 non-agricultural permits; 146 OP IDs were also issued. During the same year, only five agricultural permits were denied. About 50% of the RMPs were issued to pest control businesses with either an agricultural or maintenance gardener license. In FY 06/07, the numbers were 334 agricultural and 32 non-agricultural permits, with 119 OP IDs. Both RMPs and OP IDs are issued in all four of the county's offices (San Bernardino, Ontario, Barstow and Victorville). Only the main San Bernardino office will have the capability to print 2009 RMPs and OP IDs using the RMMS program, as the new (November 2008) office in Ontario will take some time to be connected to the county server. The branch offices receive pre-printed RMPs and OP IDs from the San Bernardino office just prior to the permit season in order to ease the workload of having to hand-write the majority of the RMPs and OP IDs.

Only one RMP was issued for field fumigation (metam sodium) for the fall 2008 season; to a strawberry grower with two fields. This is down from four metam sodium permits (and six strawberry fields fumigated) during fall of 2007. In FY 06/07, six metam sodium permits, one chloropicrin permit, and one In-line permit were issued for field fumigation. Part of the decline in field fumigations was due to the general economy, loss of leased land in the Ontario/Chino area, and increased regulation of fumigants. All corresponding DPR policies and regulations regarding permit conditions are followed during the issuance process. DPR has provided training to all of our staff on RMP issuance early in our permit issuance season, which begins around December 1st. The Deputy and one officer from the Ontario office also attended the Volatile Organic Compounds (VOC) training given by DPR in Arcadia in July 2008.

PCB RMPs are issued only to qualified applicators with proper categories who are employed by these pest control businesses, which in turn are currently registered with our department. The specialist in the district makes any changes to the permit documents at the time of actual issuance to the permit holder based on needs and conditions. Pesticides, commodities, acreage, methods of treatment, notice of intent requirements, and permit conditions are all carefully discussed with the permittee at time of permit issuance to ensure completeness, accuracy, and an understanding

of the requirements. Our goal is to place even more emphasis during the next permit issuance year in ensuring that permit information is up-to-date and accurate; one historical problem has been that restricted materials are sometimes carried over on the pre-printed RMP from the preceding year when they no longer will be used. All the Valley specialists are computer-literate and RMMS knowledgeable enough to issue permit and operator identification documents.

This goal will be accomplished by in-house staff training and reviewing DPR permit policies with staff; this should result in even fewer errors on RMPs. Field and commodity fumigants are intentionally purged from the RMP program prior to any pre-printing of permits. Any permit applicant must specifically request these pesticides to be added to their RMP to ensure that all qualifications are met and conditions are addressed. Finally, a thorough review of each RMP and OP ID that is issued will be conducted by the Supervisor as a final check. The RMP issuance process may be modified based on technological upgrading of the RMMS program, or changes made by DPR and incorporated in their future training to our staff.

Our county requires any grower involved in production agriculture with employees working as handlers or field workers to be certified as a private applicator to meet training qualifications, unless the employer hires a qualified trainer to perform the training. During FY 06/07, 54 private applicators were certified (five through continuing education) and 16 failed the written examination. In FY 07/08, 17 new persons were certified by examination, 35 were recertified by examination, and six were recertified through continuing education; 16 failed the written examination. In order for a RMP to be issued to a grower, that grower must be certified; otherwise, the grower must authorize a certified person to sign the permit or an employee/family member to pass the PAC examination.

All registrations are processed only in the main office, located in San Bernardino, so that the monies can be collected and receipts can be issued electronically. District offices do not register businesses but they do issue RMPs and OP IDs to those applicants based within the particular district. Currently, the RMPs and OP IDs already entered in the database are pre-printed electronically at the main office and then sent to the appropriate district office. Through the use of the RMMS program, its enhancements, and staff familiarity with its use, our RMP issuance capabilities have been streamlined. The only exception to the streamlining is the aforementioned issuance of fumigant permits for agricultural commodity and field crops due to the nature of the required Work Plan and Final Permit Conditions having to be accomplished by hand and with visitation to the site to confirm current conditions.

SITE MONITORING

Site maps are reviewed and updated continually as needed. If the site is not new, the specialist reviews the map with the permittee to see if any changes have occurred. If other than minor changes have occurred or if the specialist is unfamiliar with the site, the specialist will visit the site to determine if any potential adverse effects may occur as a result of the proposed applications. If the site is new, site evaluation is done in the field by the specialist. Permit conditions are also reviewed and modified according to any changes at the site(s), such as a change in the acreage, crops, etc.

San Bernardino County requires a Notice of Intent to be submitted at least 24 hours prior to all aerial applications of both restricted and non-restricted pesticides. This is a permit condition we document for every agricultural pest control business that performs aerial applications, and these PCBs have always fully cooperated. This makes us aware of every aerial application in the county, which increases our effectiveness at monitoring such applications, and enables us to respond quickly and effectively to questions and concerns from the public.

San Bernardino County received 1,573 Notices of Intent during FY 07/08 compared to 1,150 during FY 06/07. Our goal is to review close to 100% of these to ensure that permits are current and correct, sites are familiar and mapped, and any potential hazards are mitigated. Reviews are done both in the field and at the office. Time spent by staff conducting these reviews amounted to 254 hours during FY 07/08, and 267 hours during FY 06/07. We completed 291 Pre-Ap Site Inspections during FY 07/08, which is about 18.5% of the NOIs received; we completed 187 Pre-Ap Site Inspection during FY 06/07 (about 16% of the NOIs). DPR requires counties to perform Pre-Ap Site Inspections at 5% of the agricultural NOIs received. During these two fiscal years we were operating with an internal County Performance Measure Goal (requested by the County Administrative Office) to achieve at least a 10% level of inspection of agricultural pesticide applications, so we exceeded our commitment both years. That internal goal does not exist for FY 08/09, so the level of Pre-Application Site Inspections should decrease to a level somewhere between 5-10%.

In addition, agricultural applications of fumigants (aluminum phosphide, methyl bromide, metam sodium and chloropicrin) are given a very high inspection priority, with a goal of 90-100% monitoring by the department, even if the application takes place on the weekend. Our goal is to attempt to prevent any exposure and/or drift episodes from occurring. Since implementing this procedure several years ago, no episodes involving aluminum phosphide, methyl bromide or metam sodium have occurred. In September 2006 we had two separate Priority incidents involving strawberry fields (same grower) fumigated with 100% chloropicrin. We implemented a policy to not issue any RMPs for shank-applied chloropicrin during the 2007 and 2008 fumigation seasons due to these priority incidents. DPR sponsored training on the proposed regulations for fumigant VOC reductions was given to our staff the last week of November 2007 and an update in July 2008. These regulations should have minimal effect in San Bernardino County because only the desert areas of the county would be impacted. The fields normally fumigated for pre-plant strawberries are located in the Chino/Ontario area, which is outside the non-attainment area. No soil fumigations have occurred in our desert area for about 10 years.

Schools are considered very sensitive sites, so applications at or near schools are always given high priority. Methyl bromide soil fumigations near schools are only allowed when students are not present, as on the weekends, and permit conditions (such as buffer zones) are strictly enforced. Several years ago we contacted every school district in the county to ensure awareness of pesticide use requirements. Surveillance around these sites has increased as our department has received a few complaints and inquires from interest groups and concerned parents of students regarding pesticide use at schools and notification issues resulting from passage of the Healthy Schools Act and its later amendment to include pre-school facilities. On request from the San Bernardino County Superintendent of Schools regarding potential agricultural use pesticide effects next to a future school, we adopted local regulations dealing with pesticide notification, application methods and application timing issues at agricultural crop sites adjacent to schools. This department will continue our goal to give high importance to the monitoring of

pesticide applications made at or near schools. We have not had any pesticide-related incidents at our schools involving children since adopting these procedures. We have issued warning letters to five different school districts regarding minor pesticide use violations and fined three different school districts (one was fined twice) in the last few years. In addition, three institutions of higher learning were fined in the last two years.

COMPLIANCE MONITORING

INVESTIGATIONS

In a typical year, the department receives 20-35 complaints. About 25% involve property loss, another 25% involve environmental effects, and the remainder covers the gamut from licensing to odor to efficacy issues. About half of the complaints result in violations being found; about half of the allegations are determined to be unfounded. In FY 06/07 and FY 07/08, property loss complaints numbered 4 and 5 respectively; environmental effects complaints were 13 and 12 respectively; and the miscellaneous complaints numbered 15 and 12 respectively.

During FY 06/07, human effects investigations totaled 35; included in the total were 9 involving structural pesticides; 4 involving agricultural pesticides; 17 involving antimicrobials; and 5 other. There were a total of 4 (3 agricultural and 1 structural) priorities during FY 06/07. In FY 07/08, human effects investigations totaled 59; included in the total were 12 involving structural pesticides; 6 involving agricultural pesticides; 29 involving antimicrobials; and 11 other. A pesticide informational leaflet was developed for the restaurant industry. There were a total of 4 (2 agricultural, 1 structural, and 1 other) priority investigations during FY 07/08.

The Supervisor and the Deputy review each investigation independently for completeness and accuracy, and to ensure that appropriate enforcement/compliance action is taken. We maintain one log for tracking complaint investigations and another for tracking human effects investigations generated from Doctor's First Reports forwarded by DPR Worker Health & Safety e-notices from the California Poison Control System, and client complaints. All of our investigations have been completed within the allotted DPR timeframes. One of our goals each year is to complete each non-priority investigation within two months of receipt. All of the specialists conduct investigations, with the assistance of the bilingual specialists when necessary. All the specialists have received the DPR training on the Compendium Volume #5; they all attended both Structural Trainings co-hosted by SPCB and DPR in Los Angeles and San Diego during 2007 and 2008. The entire unit attended the fumigation update training relative to VOCs in Los Angeles. The entire unit attended the joint training with DFG on pesticide/wildlife incidents. The entire unit attended the DPR training on Compendium #4 Inspection Procedures in November 2008.

Education of industry and the public is another of our goals when conducting investigations. We attempt to ensure that the regulated person/business/agency understands applicable pesticide-related requirements and stress that we are a proactive information resource. We stress label requirements to homeowners, and distribute DPR compliance information to them when

appropriate. With investigations involving employer/employees, some of the information that may be distributed is: PSIS leaflets, copies of worker safety regulations, sample training program and training record and application record, and compliance pamphlets. As mentioned before, we have recently developed a leaflet for the restaurant industry to help explain pesticide use requirements. This leaflet will be distributed to the approximately 5500 restaurants in San Bernardino County by the Food Service Division of the County Health Department during their routine sanitation inspections. Over the last few years we have had to propose civil penalties against some of the restaurant employers because employees suffered pesticide-use related illness/injuries due to violations involving training, personal protective equipment, and use in conflict issues. We have performed a few antimicrobial investigations at a large teaching hospital where we had previous investigations, but due to contact with our department in the earlier investigations, this hospital has developed an excellent pesticide safety training program and an excellent illness reporting system, often notifying our department immediately after occurrence of an incident, long before we receive a Doctor's First Report. Although this hospital continues to have an occasional illness/injury incident, they are working to increase their supervision program and help reduce the number of incidents.

In October 2006, we began receiving notifications by e-mail of some pesticide-related illnesses from the California Poison Control System. We have observed that this new notification process has greatly improved our ability to perform illness investigations in a timelier manner. Some of the doctors' reports do not list any symptoms, so we delay the investigation start for a few days, to see if we will receive notification from DPR Worker Health & Safety that an investigation is unnecessary. Many of these reports involve small children being exposed to household rodenticides and aerosol-type insecticides, or adults being exposed to bleach.

INSPECTIONS

The PUE division is now fully staffed, licensed, trained, and performing inspections on their own. Total inspections for FY 06/07 were 1,207 and in FY 07/08 inspections totaled 1,239. Staff were being introduced in mid 2007 to the tablet computers with the AIRS (Automated Inspection and Reporting System) that they all now use regularly in the field, except when the computers are down for repairs or battery power. The two desert district officers do not have tablet computers presently. Some of the tablet computer benefits include increased inspection accuracy, completeness, and legibility, along with inspection history and pesticide and regulation databases.

This department has always fully cooperated with DPR in the area of oversight inspections and we look forward to and welcome DPR's involvement in the future. We view DPR as a resource to improve our inspection quality and techniques.

Appointments generally are not made to perform application inspections because it is important to observe the handlers working in their normal routine, without prior knowledge that someone will be observing. All of the application inspection forms are reviewed by the Supervisor to ensure completeness and that the business is not performing pest control out of category or without being registered. Headquarter and Business Records inspections are usually scheduled because it is often difficult to find the responsible person at the office.

Landscape maintenance companies performing pest control without possessing an agricultural pest control business license continue to be a problem. These companies have a financial advantage (money saved on licensing, registration and insurance) over licensed companies and from our experience have a much higher rate of worker safety violations. Our policy is to inspect every application involving a vehicle with pest control equipment where the vehicle is unmarked or the business name is not familiar to us. If pesticide application is not taking place at time of observation, then contact is still made with the business for the purpose of explaining regulations and the requirements for licensing and registration. We maintain a list of unlicensed businesses/individuals that we have contacted over the years. We received some indirect assistance from Los Angeles County due to notices they sent out to all the C-27 (landscape contractors) licensees based in Los Angeles, Orange, and San Bernardino Counties. The notices explained the possible need for a Maintenance Gardener Pest Control Business License.

Through our own previous focused activity involving the structural fumigation certification phase and other counties' focused activities on the aeration phase, our department has realized that significant safety shortcuts are being taken by Branch 1 structural fumigation licensees and companies. These shortcuts potentially impact the safety of the public and of the company employees. For these reasons, an enforcement presence will continue to be maintained at a high level in these two problem areas of structural fumigation; application of structural fumigants seems to be an area where few violations are found, so we don't put much emphasis on conducting this type of inspection. An internal county Performance Measure Goal (and a work plan goal) we set for FY 06/07 was to perform inspections on at least 3% of all the structural fumigation Notices of Intent we receive. We accomplished 5.1% (199 inspections performed on 3,917 structural NOIs). Our goal for FY 07/08 was 4%. The number of structural NOIs was less than the previous year because the housing market continued to struggle (compare 05/06 total of 5,100 NOIs to 06/07 total of 3,917 to 07/08 total of 2,804). We performed 165 structural fumigation inspections during FY 07/08, for an inspection rate of 5.8%, exceeding our goal.

New respirator regulations went into effect on January 1, 2008. Some of the new requirements included a voluntary respirator provision, new medical evaluation and questionnaire sections, and program evaluation and recordkeeping. Affected companies and growers were notified of these requirements through the annual newsletter mailed with the registration reminder letters and forms in November 2007.

THE FOLLOWING STATISTICS ARE FROM FY 06/07 AND 07/08:

On the agricultural pest control side, 106 of the 322 application inspections performed during FY 06/07 were on property operators, the remainder on pest control businesses. During FY 07/08, 107 of the 374 application inspections were on property operators. The non-compliance rate was much higher during monitoring of pest control businesses; this was skewed because of the many unlicensed pest control (landscape maintenance) businesses observed applying pesticides. The majority of the non-compliances were related to worker safety, with failure to wear eye/hand protection and failure to post emergency medical care amounting to about 35-40% of the total non-compliances. Most of the non-compliances for failure to wear eye/hand protection were documented during mix/loads and applications made from hand sprayers.

Commodity Fumigation Inspections (67) resulted in two non-compliances during FY 06/07. During FY 07/08, Commodity Fumigation Inspections were down to 31 (with no non-compliances), largely due to a substantial reduction of candy/chocolate fumigations at Hershey's. Commodity fumigations of grain mills with methyl bromide are almost always performed on Saturdays by the licensed pest control business and every effort is made to monitor each fumigation. Five non-compliances were documented during 35 Field Worker Safety Inspections in FY 06/07; no non-compliances were noted during 31 Field Worker Safety Inspections performed in FY 07/08. Forty-four non-compliances were noted during the 125 Headquarter/Employee Safety Inspections performed and no non-compliances were documented during the 44 Agricultural Business Records Inspections performed in FY 06/07. For FY 07/08, the numbers were 21 non-compliances during 119 Headquarter/Employee Safety Inspections and three non-compliances in 53 Agricultural Business Records Inspections.

Structural Fumigation Inspections totaled 199 with 28 non-compliances documented during non-focused activity inspections during FY 06/07. Less than one-third of the inspections were performed during the fumigant introduction phase, an area where the industry has historically followed regulations. For FY 07/08, Structural Fumigation Inspections totaled 165 with 20 non-compliances. All of these non-compliance incidents resulted in civil penalties being proposed because of the potential hazard to the employees of the fumigation company, the public, and the environment.

Branch 2 and 3 Structural Pest Control Inspections totaled 211 during FY 06/07, of which about 90% were Branch 2. The majority of the 65 non-compliances noted during these inspections involved employee failure to wear personal protective equipment that was available at the use site. The corresponding numbers during FY 07/08 were 223 Structural Pest Control Inspections and 27 non-compliances. The number of non-compliances was less due to primarily more handlers wearing their personal protective equipment.

Structural Business Records Inspections were performed on 52 companies, and only one non-compliance was documented, while 39 Structural Headquarter/Employee Safety Inspections also resulted in just one non-compliance during FY 06/07. The corresponding numbers in FY 07/08 were 50 Structural Business Records Inspections and 41 Structural Headquarter/Employee Safety Inspections; neither type of inspection had any non-compliances.

ACTUAL NUMBERS OF INSPECTIONS IN FY:	06/07 completed	07/08 Goals	07/08 completed
Property Operator applications (agriculture)	106	100	107
Property Operator mix/loads (agriculture)	20	20	34
Pest Control Business applications (agriculture)	216	170	261
Pest Control Business mix/loads (agriculture)	25	20	31
Structural Branch 1 fumigations	199	175 (4%)	165 (5.8%)
Structural Branch 2 applications	194	175	207
Structural Branch 3 applications	17	12	16
Field Worker Safety	35	30	31
Commodity Fumigations	67	40	31

Field Fumigation	13	5	2
Grower Employee Safety	38	30	26
Property Operator Non-Production Employee Safety	51	40	43
Agricultural Pest Control Business Employee Safety	36	35	50
Structural Pest Control Business Employee Safety	39	35	41
Agricultural Pest Control Business Records	44	38	53
Dealer Records	6	5	4
Pest Control Adviser Records	5	5	5
Structural Pest Control Business Records	52	40	50

We feel that our current goals (FY 07/08) are appropriate for our County without modification for calendar years 2009, 2010, and 2011. Obviously, any inspection or violation trends, any new regulations or unanticipated workloads, and our county's staffing, needs and priorities will be constantly monitored and reassessed so that our goals can be changed if necessary.

ENFORCEMENT RESPONSE

When deciding whether a civil penalty should be proposed, we follow the Enforcement Response Regulations. The vast majority of actions are proposed within a two-month period following documentation of the violations, with a significant number being proposed within a few weeks of the violations. The decision to take enforcement action and the details (code sections and penalty amounts) of the action are made primarily by the Deputy, with final approval given by the Commissioner before each Notice of Proposed Action is sent out. The Deputy sometimes makes the decision independently of input from others within the PUE unit, but at other times solicits advice and/or recommendations from the Supervisor (draft NOPA) and the PUE specialists included in Civil Penalty Committee (CPC) meetings. Consistency is always strived for when NOPAs are being drawn up and DPR enforcement guidelines are followed. Compliance is the overall goal, so all enforcement options are considered.

First contact of an unlicensed agricultural pest control business is handled as discussed earlier in the Inspections section. When we discover agricultural pest control businesses performing work outside their license categories, a Cease and Desist Order is issued to those businesses. Additional information can be obtained during the CPC meetings from the specialist concerning their inspections; this helps in reaching enforcement decisions. The meetings also serve as training for the specialists and a basis for uniformity among the specialists in performing inspections and in interpreting guidelines and procedures.

During FY 07/08, 101 (24 structural and 77 agricultural) civil penalties were proposed and five hearings were held. For FY 06/07, 126 (27 structural and 99 agricultural) civil penalties were proposed and only one hearing was held, compared to FY 05/06 when 94 total actions were proposed and two hearings were held. The Hearing Officer for PUE actions alternates between the department's Assistant Commissioner and the Exclusion/Detection Deputy. The Advocate has traditionally been the PUE Deputy or the Supervisor, but our goal of having specialists act as advocates in some of the hearings (with either the Deputy or Supervisor present) has been realized.

During FY 06/07, investigations resulted in civil penalty actions for one food manufacturing warehouse; one grower, one landscape contractor; one golf management company; and two school districts. During FY 07/08, investigations resulted in civil penalty actions for one golf management company; one school district; one institution of higher learning; one hospital; one county agency; and one structural pest control business who was working out of license (doing agricultural pest control work).

Many unlicensed businesses and individuals have received warning letters from us as a result of our pesticide dealer audits and telephone directory and newspaper reviews. Our policy for proposing civil penalties against unlicensed landscape maintenance companies that we inspect in the field is that all companies will receive a fine for violation of FAC Section 11701 unless the landscape contractor (C-27) exemption applies, or the company has no employees and is strictly operating in a residential landscape setting. This is an indication that the business is small and may be unaware of the requirements. The fine is placed in Class B at the minimum amount unless the business has been previously warned or fined. Worker safety violations are usually not fined for unless the company has been previously contacted by our department or the violations were significant and there was a high potential for health effects occurring.

It was anticipated that the passage of the new CCR Section 6128 (Enforcement Response Policy) would increase the number of civil penalties and the amount of the fines proposed. The number of hearings requested could also increase. This did not hold true for FY 07/08, as there were 101 total civil penalties compared to 126 the year before. The 2005 implementation of the Enforcement Response Regulations has created some additional workload in the area of Decision Reports, which must be written if an action may be considered "optional." The Deputy has historically written all the Decision Reports as a matter of consistency and managerial control. From the beginning of 2008 to the date of this document, 42 Decision Reports have been written. There are no immediate plans for the Supervisor or the specialists to write Decision Reports. The fine levels for structural civil penalties were increased in late September 2006 so they are now equal to the levels for agricultural civil penalties. The DPR EBL will be notified immediately when any respondent has requested a hearing. The EBL will also be notified at the time our department refers any cases to other agencies for enforcement action, such as licensing action or prosecution.

San Bernardino County referred one case to our District Attorney's office during FY 07/08. The respondent, faced with civil prosecution in court, paid his fine and became properly licensed and registered as an agricultural pest control business.

Collection of the fines has been a minor problem, with fines from unlicensed pest control (landscape maintenance) businesses being the most difficult to collect. These problem accounts have been turned over to County Collection, with limited success.

San Bernardino County also maintains a regular contact with the local DPR Enforcement Branch and our assigned liaison in Anaheim for referral of cases dealing with misbranded or unregistered pesticides and any other situations unfamiliar to us.

BY: Jim Mitchell
Deputy Agricultural Commissioner

DATED: November 12, 2008